

Appl. No. 10/609,079
Reply Brief dated October 22, 2009
Reply to Examiner's Answer dated September 23, 2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application. No. :	10/609,079	Confirmation No. 7575
Applicant :	Timothy J. Parker	
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TC/A.U. :	2836	
Examiner :	Daniel J. Cavallari	
Docket No. :	3239P106	
Customer No. :	8791	

Commissioner for Patents
PO Box 1450
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REPLY BRIEF UNDER 37 C.F.R. §41.41

Sir:

In accordance to 37 CFR §41.41, MPEP §1208, this Reply Brief is submitted in response to Examiner's Answer dated September 23, 2009.

REPLY TO EXAMINER'S ANSWER

In the Examiner's Answer, the Examiner indicates that claims 1, 2, 11-12, 15-16, 18-23, 25-28 and 32-33 are pending. However, Appellant submits that claims 16 and 19-23 have been cancelled and are no longer pending.

Further, in the Examiner's Answer, the Examiner presents a number of arguments which were not presented in the previous Office Actions. For instance, the Examiner alleges for the first time that the board 51 of Figure 2 correspond to the "connector module, as recited in claims 1, 15, and 18" (Examiner's Answer, pages 4 and 5) and that the power distribution and control circuitry 56 corresponds to the "circuitry," as recited in claims 15 and 18 (Examiner's Answer, page 5). Nonetheless, these arguments are not sufficient to establish a *prima facie* case of anticipation.

First, the Examiner previously alleged that the connector module, as recited in claims 1, 15, and 18 was disclosed by the module chassis 11 but now alleges that the connector module is disclosed by the module chassis 11 and the main power supply board 51 (Examiner's Answer, pages 4 and 5). Appellant respectfully disagrees for the following reasons.

In the Examiner's Answer, the Examiner states that he agrees with Appellant's description of Elkayam as a daughter card/motherboard implementation but maintains that this implementation reads on the claim language "connector module being a component mounted on a circuit board." Appellant respectfully disagrees and submits that independent claims 1 and 15 recite, *inter alia*:

"A connector module being a component mounted on a circuit board, comprising: at least one jack...; and circuitry... embedded into the connector module..." (claim 1). *Emphasis Added.*

"A connector module being a component mounted on a circuit board placed in a switching device, comprising: a plurality of Ethernet jacks...; and circuitry embedded within the component..." (claim 15). *Emphasis Added.*

In contrast, as illustrated in Figure 2, Elkayam teaches the switch board 14 comprising power over LAN support circuitry 55 and connector 24 (Elkayam, par. [0075]; Figure 2). The Examiner alleges that connector 24 corresponds to the "at least one jack" (claim 1) and "a plurality of Ethernet jacks" (claims 15 and 18). Accordingly, Appellants submit that the module chassis 11 and the main power supply board 51 (allegedly, the connector module) does not

comprise the connector 24 (allegedly, a jack), because the connector 24 is included in switch board 14 which is separate from the module chassis 11 and the main power supply board 51. Thus, module chassis 11 and board 15 cannot be the connector module because it does not comprise "at least one jack," as recited in claim 1 or "a plurality of Ethernet jacks," as recited in claim 15.

Additionally, in the Examiner's Answer, the Examiner alleges that the board 51 (allegedly, the connector module) comprises "at least one jack" (allegedly, the connector 24 of board 14) because the board 51 is physically and operationally connected to connector 24 (Examiner's Answer, page 11). The Examiner further contends that the "claims do not require that the jack be actually mounted on the module" (Examiner's Answer, page 11). Contrary to the Examiner's definition of "comprising," Appellant respectfully submits the MPEP §2111.03 states that the "transitional term 'comprising' ... is synonymous with 'including,' 'containing,' or 'characterized by'..." (See MPEP § 2111.03). Thus, as illustrated in Figure 1, board 51 does not comprise connector 24 because connector 24 is included in board 14 which is separate from board 51.

Moreover, Elkayam states "the sub-circuits 58 are mounted onto a board, which may act as a daughter board and which in turns mounts... onto board 51 or board 14, the latter acting as a motherboard." (Elkayam, par. [0076]). In the Examiner's Answer, the Examiner concludes that Elkayam discloses a configuration where the sub-circuits 58 are mounted on board 51 with switchboard 14 acting as a motherboard (Examiner's Answer, pages 10-11). Appellant respectfully submits that the Examiner misconstrues the teachings of Elkayam. Elkayam merely states that the sub-circuits 58 are mounted on a daughterboard "which in turns mounts... onto board 51 or board 14, the latter acting as a motherboard" (Elkayam, par. [0076]). The language "the latter" refers to the board into which the daughter board is mounted. In other words, the motherboard is either "the board 51 or the board 14." As shown in Figures 1 and 2, board 51 does not mount into board 14. Instead, sub-circuits 58 are merely showed to be mounted on board 51. Thus, given that board 51 is not a daughterboard mounted onto board 14, the board 51 cannot be the "connector module" and board 14 cannot be the "circuit board." In other words, the board 51 cannot correspond to "the connector module being a component mounted on a circuit board," allegedly the board 14.

Second, the Examiner contends that “the recitation “[a connector module] being a component mounted on a circuit board” (claim 1) does not have patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self-contained description of the structure not depending for completeness upon the introductory clause” (Examiner's Answer, pages 4 and 8). *Emphasis Added*. Appellant respectfully submits that claim 1 recites:

“A connector module being a component mounted on a circuit board, comprising:
at least one jack adapted for coupling to a link; and
circuitry coupled to the jack and embedded into the connector module, the circuitry configured to perform Power-over-Ethernet (PoE) operations by supplying power through the jack.” *Emphasis Added*.

Given that “the portion of the claim following the preamble” further refers to the language in the preamble (“the connector module”), “the portion of the claim following the preamble” is not a self-contained description of the structure because it depends upon the introductory clause for completeness. Accordingly, the language “a connector module being a component mounted on a circuit board” should be given patentable weight.

Third, with regards to dependent claim 26, the Examiner alleges that Elkayam discloses “wherein the connector module is an Ethernet jack module,” citing Elkayam, paragraph [0069]. Appellant respectfully disagrees. Elkayam merely discloses in Figure 1, a Power over LAN module 12 and an Ethernet switch board 14 (Elkayam, par. [0069]). As shown in Figure 2, module 12 includes the module chassis 11 and board 51 (Elkayam, par. [0073]) which is alleged by the Examiner to be the connector module. As discussed above and illustrated in Figures 1 and 2, the board 14 is separate from module chassis 11 and board 51. Accordingly, even assuming that the Ethernet switch board 14 were an “Ethernet jack module,” there is no teaching of the module chassis 11 and board 51 being “an Ethernet jack module.

Further, Appellant respectfully submits that while each grouping of claims (e.g., (i) Independent claim 1 and claims 2 and 11-12 dependent thereon; (ii) Independent claim 15 and claim 18 dependent thereon; (iii) independent claim 25 and claims 26-28, and 32-33 dependent thereon) stand alone in connection with their corresponding arguments set forth in the Appeal Brief, the Examiner improperly generalizes Appellants arguments. Appellants respectfully request consideration of each grouping as presented.

Other issues raised by the Examiner in the Examiner's Answer have been adequately addressed in the Appeal Brief and therefore are not repeated in this Reply Brief.

Accordingly, Appellant respectfully requests that the Board enter a decision overturning the Examiner's rejection of all pending claims, and holding that the claims satisfy the requirements of 35 U.S.C. §102.

Conclusion

Appellant respectfully requests that the Board enter a decision overturning the Examiner's rejection of all pending claims, and holding that the claims satisfy the requirements of 35 U.S.C. §102.

Respectfully submitted,

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